

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 307.10, 307.12, 321.449 and 321.450, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 520, "Regulations Applicable to Carriers," Iowa Administrative Code.

Iowa Code section 321.449 requires the Department to adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSR) promulgated under United States Code, Title 49, and found in 49 Code of Federal Regulations (CFR), Parts 385 and 390 to 399. Iowa Code section 321.450 requires the Department to adopt rules consistent with the Federal Hazardous Materials Regulations (HMR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180. To ensure the consistency required by statute, the Department annually adopts the specified parts of 49 CFR as adopted by the United States Department of Transportation.

Commercial vehicles transporting goods in interstate commerce are subject to the FMCSR on the effective dates specified in the Federal Register (FR). Commercial vehicles transporting hazardous materials in interstate commerce or transporting certain hazardous materials intrastate are subject to the HMR on the effective dates specified in the FR. The adoption of the federal regulations by the Department will extend the enforcement of the regulations to commercial vehicles operated intrastate unless exempted by statute.

Proposed federal regulations are published in the FR to allow a period for public comment, and, after adoption, the final regulations are published in the FR. Each year a revised edition of 49 CFR is published, incorporating all of the final regulations adopted during the year.

The amendments to the FMCSR and the HMR that have become final and effective since the 2008 edition of the CFR are listed in the information below. The parts affected are followed by FR citations.

#### Amendments to the FMCSR and Federal HMR

##### Parts 385 and 395 (FR Vol. 73, No. 224, Pages 69567-69586, 11-19-08)

This final rule from the Federal Motor Carrier Safety Administration (FMCSA) adopts the provisions of the December 17, 2007, interim final rule concerning hours of service for commercial motor vehicle (CMV) drivers. This final rule allows CMV drivers to continue to drive up to 11 hours within a 14-hour, nonextendable window from the start of the workday, following at least 10 consecutive hours off duty (11-hour rule). The rule also allows motor carriers and drivers to continue to restart calculations of the weekly on-duty limits after the driver has at least 34 consecutive hours off duty (34-hour restart). Effective date: January 19, 2009.

##### Parts 390 and 391 (FR Vol. 73, No. 231, Pages 73095-73128, 12-01-08)

This final rule from the FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSR) to require commercial driver's license (CDL) holders subject to the physical qualification requirements of 49 CFR Part 391 to provide a current copy of their medical examiner's certificate to their state driver licensing agency (SDLA). FMCSA also requires the SDLA to record on the Commercial Driver License Information System (CDLIS) driver record the self-certification the driver made regarding the applicability of the federal driver qualification rules and, for drivers subject to those requirements, the medical certification status information specified in this final rule. This action is required by Section 215 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). Effective dates: This final rule is effective January 30, 2009. State compliance (for the SDLA) is required by January 30, 2012. All

CDL holders must comply by January 30, 2014, with the requirement to submit to the SDLA their self-certification on whether they are subject to the physical qualification rules.

Parts 385 and 390 (FR Vol. 73, No. 242, Pages 76472-76497, 12-16-08)

This final rule from the Federal Motor Carrier Safety Administration (FMCSA) adopts the New Entrant Safety Assurance Program regulations initiated by a Notice of Proposed Rulemaking (NPRM) on December 21, 2006 (FR Vol. 71, No. 245, pages 76729-76793). These changes do not impose additional regulatory requirements on any new entrant motor carrier because these carriers are already required to comply with all applicable rules. Effective date: February 17, 2009. Compliance with this rule is required beginning December 16, 2009.

Parts 385, 390, 392, 393, and 396 (FR Vol. 73, No. 243, Pages 76793-76827, 12-17-08)

This final rule from the FMCSA adopts regulations implementing Section 4118 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The regulations require intermodal equipment providers (IEPs) to: register and file with FMCSA an Intermodal Equipment Provider Identification Report; establish a systematic inspection, repair, and maintenance program to ensure the safe operating condition of each intermodal chassis; maintain documentation of their maintenance program; and provide a means to effectively respond to driver and motor carrier reports about intermodal chassis mechanical defects and deficiencies. The regulations also require IEPs to mark each intermodal chassis with a U.S. Department of Transportation (U.S. DOT) identification number. These new regulations, for the first time, make IEPs subject to the Federal Motor Carrier Safety Regulations (FMCSR) and call for shared safety responsibility among IEPs, motor carriers, and drivers. Additionally, this final rule adopts inspection requirements for motor carriers and drivers operating intermodal equipment. Effective date: June 17, 2009. Implementation Date: Intermodal equipment providers must comply with the requirements for establishing inspection, repair, maintenance programs, and record-keeping systems by December 17, 2009. Intermodal equipment providers must comply with the requirement to mark their intermodal chassis with a U.S. DOT identification number by December 17, 2010.

Parts 171, 172, 173, and 178 (FR Vol. 74, No. 9, Pages 2199-2270, 01-14-09)

This final rule from the Pipeline and Hazardous Materials Safety Administration (PHMSA) revises the Hazardous Materials Regulations (HMR) to maintain alignment with international standards by incorporating various changes to proper shipping names, hazard classes, packing groups, special provisions, and packaging authorizations. These revisions are necessary to harmonize the HMR with recent changes to the Transport Canada's Transportation of Dangerous Goods Regulations and the United Nations Recommendations on the Transport of Dangerous Goods. Effective date: February 13, 2009. Delayed Compliance Date: Except as specified in 49 CFR Sections 171.14, 171.25, 172.102, 172.448, and 178.703 as amended to October 1, 2009, compliance with the amendments adopted in this final rule is required beginning January 1, 2010.

Parts 171, 173, 178, and 180 (FR Vol. 74, No. 67, Pages 16135-16144, 04-09-09)

The final rule from the PHMSA amends the HMR to revise certain requirements applicable to the manufacture, maintenance, and use of DOT and Motor Carrier specification cargo tank motor vehicles, DOT specification cylinders and United Nations pressure receptacles. The revisions are based on petitions for rule making submitted by the regulated community and are intended to enhance the safe transportation of hazardous materials in commerce, clarify regulatory requirements, and reduce operating burdens on cargo tank and cylinder manufacturers, requalifiers, carriers, shippers, and users. The most significant amendment adopted in this final rule addresses a safety issue identified by the National Transportation Safety Board concerning the transportation of compressed gases in cylinders mounted on motor vehicles or in frames, commonly referred to as tube trailers. Effective Date: This final rule is effective May 11, 2009. Voluntary Compliance Date: Voluntary compliance with all these amendments, including those with delayed mandatory compliance, is authorized as of April 9, 2009.

Various portions of the federal regulations and Iowa statutes allow some exceptions when the exceptions will not adversely impact the safe transportation of commodities on the nation's highways.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)817-6511; Internet E-mail address: [steven.bowman@dot.iowa.gov](mailto:steven.bowman@dot.iowa.gov).
5. Be received by the Office of Policy and Legislative Services no later than March 30, 2010.

A meeting to hear requested oral presentations is scheduled for Thursday, April 1, 2010, at 10 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

The proposed amendments may have an impact on small business. A request for a regulatory analysis pursuant to Iowa Code section 17A.4A must be submitted to the Office of Policy and Legislative Services at the address listed in this Notice by June 6, 2010.

These amendments are intended to implement Iowa Code chapter 321.

Proposed rule-making actions:

ITEM 1. Amend paragraph **520.1(1)“a”** as follows:

*a. Motor carrier safety regulations.* The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, ~~2008~~ 2009).

ITEM 2. Amend paragraph **520.1(1)“b”** as follows:

*b. Hazardous materials regulations.* The Iowa department of transportation adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, ~~2008~~ 2009).